

Message Text

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TO AMEMBASSY LONDON PRIORITY

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TAGS: SENV, ECEM

SUBJECT: KEPONE INCINERATION IN THE UK

REFS: (A) LONDON 4774, (B) GRANGER-BLANCHARD TELCONS
APRIL 5 AND 6

1. IN REPOSE TO POST REQUESTS VIA TELCON ON APRIL 5, THE DEPARTMENT HAS PREPARED ANSWERS TO POST QUESTIONS ON VARIOUS ASPECTS CONCERNING TECHNICAL AND REGULATORY PARAMETERS INVOLVING KEPONE IN THE US. THE ANSWERS WERE TRANSMITTED BY TELCON ON APRIL 5, TO SCICOUNS. IN ADDITION THE DEPARTMENT'S POSITION WITH REGARD TO THIS MATTER HAS ALSO BEEN FORMULATED AND TRANSMITTED BY TELCON ON APRIL 6. THIS CABLE WILL SERVE TO DOCUMENT THOSE ACTIONS.

2. QUESTIONS AND ANSWERS: A) CONFIRM OR DENY REPORTS THAT EPA HAS REFUSED TO LICENSEXPORT REQUEST TO THE UK FOR THE PURPOSE OF INCINERATION OF 80 DRUMS OF KEPONE? ANSWER: THE UNCLASSIFIED

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EPA DOES NOT HAVE THE AUTHORITY TO GRANT OR DENY LICENSE FOR THE EXPORTATION OF PESTICIDES. THE EPA DOES HAVE AUTHORITY UNDER THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA) TO RESTRICT MOVEMENT OF PESTICIDES IN THE US FOR PURPOSES OF ENFORCEMENT OF THE ACT. IN THE CASE OF KEPONE, THE EPA GRANTED ALLIED THE AUTHORITY TO

MOVE KEPONE WHEN THEY RECEIVED NOTIFICATION FROM THE UK ACKNOWLEDGING THE PROPOSED DISPOSAL PROGRAM IN WALES BY ALLIED CHEMICAL CORP. AND RECHEM INTERNATIONAL LTD. FURTHER, THE DEPARTMENT OF TRANSPORTATION WAS NOTIFIED OF THE USE OF IMCO SPECIFICATIONS BY ALLIED IN THE MOVEMENT OF KEPONE, AND HAD NO RESERVATIONS. B) IN US REGULATORY ACTIONS AGAINST KEPONE, WHAT WAS THE BASIS FOR THE ACTION? ANSWER: THERE WERE THREE ISSUES WHICH WERE USED AS THE BASIS OF REGULATORY ACTION AGAINST KEPONE BY EPA, 1) EVIDENCE OF CARCINOGENESIS IN TEST ANIMALS (RATS & MICE) AS REPORTED BY THE NATIONAL CANCER INSTITUTE, 2) CLINICAL EVIDENCE OF ADVERSE HUMAN HEALTH EFFECTS (STERILITY) AND 3) WIDESPREAD ENVIRONMENTAL CONTAMINATION. IN ADDITION, THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULED AGAINST LIFE SCIENCE PRODUCTS COMPANY, THE PRODUCER OF KEPONE FOR MAINTAINING DANGEROUS LEVELS OF KEPONE IN THE WORKPLACE AND THEY ALSO LOWERED THE THRESHOLD LIMIT VALUE (TLV) OF ACCEPTABLE EXPOSURE LEVELS TO KEPONE IN THE WORKPLACE. FINALLY, THE FOOD AND DRUG ADMINISTRATION (FDA), ISSUED ACTION LEVELS FOR KEPONE IN FINFISH AND SHELLFISH, WHICH RESULTED IN THE CLOSURE BY THE STATE OF VIRGINIA OF THE JAMES RIVER TO THE TAKING OF SOME SPECIES DUE TO THE EXCESS LEVEL OF KEPONE IN THE EDIBLE PORTIONS. C) ARE THERE ANY INCINERATOR CAPABILITIES IN THE US COMPARABLE TO THOSE AT THE RECHEM INTERNATIONAL LTD? ANSWER: APPARENTLY THE RECHEM FACILITY CAN UNCLASSIFIED

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HANDLE LARGE QUANTITIES OF KEPONE MATERIAL SUCH AS 55 GALLON DRUM CAPACITY, AT TECHNICAL PARAMETERS SUFFICIENT TO FULLY INCINERATE KEPONE. US FACILITIES LIMITED TO BENCH SCALE AND PILOT LEVEL INCINERATOR UNITS; WHICH

HANDLE CONSIDERABLY SMALLER QUANTITIES. D) HOW DID THE USG HANDLE THE DISPOSAL OF AGENT ORANGE? ANSWER: THE USG RETAINED THE SERVICES OF THE VESSEL QUOTE VULCANUS UNQUOTE FOR THE PURPOSE OF OCEAN INCINERATION OF AGENT ORANGE. DISPOSAL OF AGENT ORANGE WAS COMPLETED AT SEA.

3. THE DEPARTMENT'S POSITION WITH REGARD TO ANY QUESTIONS THAT MAY BEAR ON THE KEPONE INCINERATION PROGRAM IN THE UK, IS AS FOLLOWS AND HAS BEEN CLEARED WITH EPA. QUESTION: THERE HAVE BEEN REPORTS FROM LONDON REGARDING THE CONTROVERSY SURROUNDING THE SAFE DISPOSAL OF THE PESTICIDE KEPONE IN WALES BY RECHEM INTERNATIONAL, UNDER CONTRACT TO ALLIED CHEMICAL CORPORATION. IN LIGHT OF THE DOMESTIC ENVIRONMENTAL AND HEALTH PROBLEMS ASSOCIATED WITH THE KEPONE CONTAMINATION INCIDENT IN 1975-6, WHAT HAS BEEN THE DEPARTMENT'S ROLE IN THIS MATTER, IF ANY? ANSWER: THE DEPARTMENT WAS NOTIFIED BY THE ENVIRONMENTAL PROTECTION

AGENCY (EPA) ON MCH 16, AS A RESULT OF THE REQUEST BY ALLIED CHEMICAL CORPORATION TO EPA TO REMOVE 80 DRUMS OF KEPONE FROM BALTIMORE FOR TRANSPORT TO THE U.K. (PONTYPOOL, WALES). EPA REQUESTED THE DEPARTMENT'S ASSISTANCE IN CONFIRMING ALLIED'S ARRANGEMENTS WITH THE GOVERNMENTAL AUTHORITIES IN THE U.K. REGARDING THE DISPOSAL OF KEPONE. EPA INDICATED TO THE DEPARTMENT THAT IT WOULD DEFER ANY DECISION ON AMENDING THEIR STOP, SALE, USE OR REMOVAL ORDER ISSUED UNDER THE FEDERAL INSECTICIDE FUNGICIDE AND RODENTICIDE ACT (FIFRA) ON ALLIED'S KEPONE STOCKS UNTIL CONFIRMATION WAS RECEIVED.

ON MARCH 23, THE DEPARTMENT RECEIVED NOTICE FROM THE UNCLASSIFIED

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AMERICAN EMBASSY IN LONDON, THAT CONFIRMED THE AWARENESS OF THE U.K. DEPARTMENT OF ENVIRONMENT AND THAT THE FACILITY IN THE U.K. HAD BEEN ISSUED A LICENSE BY THE LOCAL HEALTH AND SAFETY TNSPECTORATE FOR THIS PURPOSE. THIS INFORMATION WAS TRANSMITTED TO EPA BY TELEPHONE, AND EPA AMENDED ITS FIFRA ORDERS ALLOWING ALLIED TO MOVE THE KEPONE STOCKS IN QUESTION.

THE DEPARTMENT IS AWARE THAT THE HEALTH AND SAFETY EXECUTIVE IN WALES HAS SINCE REVOKED ITS LICENSE TO RECHEM, PENDING A COMPLETE REVIEW OF THE DISPOSAL PROGRAM INVOLVING KEPONE. THE FINAL DECISION ON THIS PROGRAM IS UP TO THE U.K. LOCAL AND CENTRAL GOVERNMENT AUTHORITIES. THE DEPARTMENT CONTINUES TO MONITOR THE EVENTS THROUGH OUR SCIENCE COUNSELOR IN LONDON. SHOULD ANY FURTHER EVENTS TRANSPIRE WE WILL KEEP THE ENVIRONMENTAL PROTECTION AGENCY INFORMED. EPA IS, OF COURSE, THE RESPONSIBLE GOVERNMENTAL AGENCY IN DEALING WITH ALLIED CHEMICAL CORPORATION ON DOMESTIC MATTERS PURSUANT TO KEPONE UNDER AUTHORITY OF THE FEDERAL INSECTICIDE FUNGICIDE AND RODENTICIDE ACT. CHRISTOPHER

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